

## **Subchapter F**

### **Operational Standards for Solid Waste Land Disposal Sites**

#### **§330.111. General.**

The approved Site Development Plan, the Site Operating Plan, the Final Closure Plan, the Post-Closure Maintenance Plan, the Landfill Gas Management Plan, and all other documents and plans required by this chapter shall become operational requirements and shall be considered a part of the operating record of the facility. Any deviation from the permit and incorporated plans or other related documents associated with the permit is a violation of this chapter.

**§330.112. Pre-Operation Notice.** The owner or operator shall provide written notice in the form of a Soils and Liner Evaluation Report as described in §330.206 of this title (relating to Soils and Liner Evaluation Report (SLER) and Flexible Membrane Liner Evaluation Report (FMLER) of the final construction and lining of a new municipal solid waste landfill unit to the executive director for review and approval prior to the emplacement of waste. If the executive director has not provided a verbal or written response by the end of the 14th day following the executive director's receipt of the report, the municipal solid waste landfill unit shall be considered approved for the placement of solid waste. This provision is not applicable to the initial opening of a municipal solid waste landfill facility.

#### **§330.113. Record-Keeping Requirements.**

(a) A copy of the permit, the approved Site Development Plan, the Site Operating Plan, the Final Closure Plan, the Post-Closure Maintenance Plan, the Landfill Gas Management Plan, and any other required plan or other related document shall be maintained at the municipal solid waste facility, or an alternate location approved by the executive director. This requirement shall be considered a part of the operating record for the facility.

(b) The owner or operator shall promptly record and retain in an operating record the following information:

- (1) any and all location-restriction demonstrations;
- (2) inspection records, training procedures, and notification procedures relating to excluding the receipt of regulated hazardous waste and PCB waste;
- (3) all results from gas monitoring and any remediation plans relating to explosive and other gases;
- (4) any and all unit design documentation for the placement of leachate or gas condensate in a municipal solid waste landfill;
- (5) any and all demonstration, certification, findings, monitoring, testing, and analytical data relating to ground-water monitoring and corrective action;

(6) closure and post-closure care plans and any monitoring, testing, or analytical data relating to post-closure requirements;

(7) any and all cost estimates and financial assurance documentation relating to financial assurance for closure and post-closure;

(8) any and all information demonstrating compliance with the small community exemption criteria;

(9) copies of all correspondence and responses relating to the operation of the facility, modifications to the permit, approvals, and other matters pertaining to technical assistance;

(10) any and all documents, manifests, trip tickets, etc., involving special waste; and

(11) any other document(s) as specified by the approved permit or by the executive director.

(c) The owner or operator shall provide written notification to the executive director for each occurrence that documents from subsection (a) of this section are placed into or added to the operating record. All information contained in the operating record shall be furnished upon request to the executive director and shall be made available at all reasonable times for inspection by the executive director.

(d) The owner or operator shall retain all information contained within the operating record and the different plans required for the facility for the life of the facility including the post-closure care period.

(e) The executive director may set alternative schedules for record-keeping and notification requirements as specified in subsections (a)-(d) of this section, except for notification requirements contained in §§330.300-330.305 of this title (relating to Location Restrictions) for any proposed lateral expansion located within a five-mile radius of any airport runway end used by turbojet or piston-type aircraft or notification relating to landowners whose property overlies any part of the plume of contamination if contaminants have migrated off-site as indicated by ground-water sampling.

#### **§330.114. Site Operating Plan.**

The Site Operating Plan (SOP) shall provide operating procedures for the site management and the site operating personnel in sufficient detail to enable them to conduct the day-to-day operations of the facility. The SOP shall be retained during the active life of the site and throughout the post-closure care maintenance period. As a minimum, the SOP shall include specific guidance, procedures, instructions, and schedules on the following:

(1) a description of functions for each category of personnel to be employed at the facility and for the supervisory personnel in the chain-of-command;

(2) a description, including size, type, and function, of the equipment to be utilized at the facility;

(3) a detailed description of the procedures that the operating personnel shall follow concerning the operational requirements of this subchapter;

(4) other instructions as necessary to ensure that operating personnel comply with any other local, state, or federal regulation for the operational standards of the type of work involved at the facility; and

(5) procedures for the detection and prevention of the disposal of regulated hazardous waste as defined in 40 Code of Federal Regulations Part 261 and of polychlorinated biphenyls (PCB) wastes as defined in 40 Code of Federal Regulations Part 761. The detection and prevention program shall include the following:

(A) random inspections of incoming loads unless the owner or operator takes other steps to ensure that the incoming loads do not contain regulated hazardous waste or PCB wastes. The inspection procedures shall be identified in the plan along with a backup procedure if hazardous waste is identified. The procedure shall include the inspection of compactor vehicles;

(B) records of all inspections;

(C) training for appropriate facility personnel responsible for inspecting loads to recognize regulated hazardous waste or PCB waste;

(D) notification of the executive director of any incident involving the disposal of a regulated hazardous waste or a PCB waste at the landfill; and

(E) provisions for the remediation of the incident;

(6) a Fire Protection Plan that shall identify the fire protection standards to be used at the facility and the training of personnel in fire-fighting techniques.

#### **§330.115. Fire Protection.**

The owner or operator shall maintain a stockpile of earth within 2,500 feet of the working face or active disposal area. The stockpile shall be sized to cover the entire working face or active disposal area. Sufficient on-site equipment for movement of that earth shall be provided at all landfill sites. The executive director may approve alternate methods of fire protection. Accidental fires shall be promptly extinguished. The potential for accidental fires shall be minimized by use of proper compaction and earth cover.

#### **§330.116. Access Control.**

Public access to all municipal solid waste facilities shall be controlled by means of artificial barriers, natural barriers, or a combination of both, appropriate to protect human health and safety and the environment. Uncontrolled access to other operations located at a municipal solid waste facility shall be prevented.

**§330.117. Unloading of Waste.**

(a) The unloading of solid waste shall be confined to as small an area as practical. An attendant shall be provided at all sites to monitor all incoming loads of waste. An attendant shall also be on duty during regular operating hours at the working face or active disposal area of all landfill sites to direct unloading of solid waste. Appropriate signs shall also be used to indicate where vehicles are to unload. The use of forced access lanes, identified by ditches, dikes, fences, or other means, shall be used in conjunction with signs for the prevention of indiscriminate dumping. The owner or operator is not required to accept any solid waste which they determine will cause or may cause problems in maintaining full and continuous compliance with these sections. Small MSWLFs may submit a request for a permit modification to receive approval for an alternate plan if sufficient justification is provided.

(b) The unloading of waste in unauthorized areas is prohibited. Necessary steps shall be taken by the owner or operator to ensure compliance with this provision. Any waste deposited in an unauthorized area shall be removed promptly and disposed of properly.

(c) The unloading of prohibited wastes at the municipal solid waste facility shall not be allowed. Necessary steps shall be taken by the owner or operator to ensure compliance with this provision. Any prohibited waste shall be returned promptly to the transporter or generator of the waste.

(d) Any MSWLF facility may establish a brush and/or construction-demolition (B&CD) waste area on-site designated to receive B&CD waste. Any municipal solid waste facility may establish a B&CD area on-site.

(e) At Type IV sites, only B&CD wastes and rubbish (trash) that are free of putrescible and household waste may be accepted.

(f) In addition to the other operating requirements of this subchapter, Type IV landfill operators that accept rubbish shall provide the following during all periods of operation.

(1) A written procedure retained on site to ensure that containers with any putrescible wastes are not accepted. This might include or be a combination of a manifest system, surcharges, contractual agreements with transporters, or other acceptable means. This written procedure shall be made available for review by the executive director. The procedure shall be followed and shall be modified as necessary to accomplish its purpose.

(2) A written procedure retained on site for the removal of any putrescible wastes to an approved disposal facility shall specify the means to be used for removal of putrescible wastes illegally disposed of at the site. In all cases, such wastes shall be removed from the working face immediately upon discharge and returned to the offending transporters's vehicle or placed in suitable collection bins and shall not be allowed to remain on the site in the collection bins for more than 24 hours. The equipment necessary to meet the chosen alternative shall be specified and shall be on site and operable during operating hours. This written procedure shall be made available for review by the executive director. The procedure shall be followed and shall be modified as necessary to accomplish its purpose.

(3) A working-face monitor to inspect each load that is dumped at the site shall have the authority and responsibility to reject unauthorized loads, have unauthorized material removed by the transporter, and/or assess appropriate surcharges and have the unauthorized material removed by on-site personnel.

(4) A procedure whereby the transporter certificates required by §330.32 of this title (relating to Collection and Transportation Requirements) shall be retained at the landfill and be available for inspection by the executive director.

(g) Type IV landfill owners or operators shall not accept wastes from completely enclosed containers or enclosed vehicles except in accordance with §330.135 of this title (relating to Waste in Enclosed Containers or Enclosed Vehicles Accepted at Type IV Landfills).

(h) Type IV landfill owners or operators shall post large conspicuous warning signs at all entrances to the site stating that putrescible and household wastes are not accepted and stating the landfill's requirements for transporters, such as certificates, manifests, and surcharges or other penalties that may be imposed in the event that transporters do not meet the requirements of this chapter.

(i) At Type VIII sites, only used and scrap tires free of any other type of waste may be accepted.

#### **§330.118. Hours of Operation.**

The operating hours of a municipal solid waste facility shall be any time between the hours of 7 a.m. and 7 p.m., unless otherwise approved in the permit or the Site Development Plan. Operating hours within the 7 a.m. to 7 p.m. span do not require other specific approval. The executive director may approve alternate operating hours for special occasions, special purpose events, holidays, or other special occurrences as specified in §305.70 of this title (relating to Municipal Solid Waste Permit Modification).

#### **§330.119. Site Sign.**

Each site shall conspicuously display at all entrances to the site through which wastes are received, a sign measuring at least four feet by four feet with letters at least three inches in height stating the type of site, the hours and days of operation, and the permit number or site number. The posting of erroneous or misleading information shall constitute a violation of this section.

#### **§330.120. Control of Windblown Waste and Litter.**

Windblown material and litter shall be collected and returned to the active disposal area or working face as necessary to minimize unhealthy, unsafe, or unsightly conditions.

(1) A portable fence may be employed to confine windblown material resulting from unloading, spreading, and compaction operations. If a portable fence is not practical, other suitable practices shall be employed to control windblown material.

(2) Litter scattered throughout the site, along fences and access roads, and at the gate due to wind or as a result of waste falling from vehicles shall be picked up at least weekly and returned to the active disposal area or working face.

**§330.121. Easements and Buffer Zones.**

(a) Easement Protection. No solid waste unloading, storage, disposal, or processing operations shall occur within any easement, buffer zone, or right-of-way that crosses the site. No solid waste disposal shall occur within 25 feet of the center line of any utility line or pipeline easement, unless otherwise authorized by the executive director. All pipeline and utility easements shall be clearly marked with posts which extend at least six feet above ground level, spaced at intervals no greater than 300 feet.

(b) Buffer Zones. A minimum separating distance of 50 feet shall be maintained between solid waste processing and disposal activities and the boundary of the site, unless otherwise authorized by the executive director. The buffer zone shall not be narrower than that necessary to provide for safe passage for fire fighting and other emergency vehicles.

**§330.122. Landfill Markers and Benchmark.**

All required landfill markers and the benchmark shall be maintained so that they are visible during operating hours. Markers that are removed or destroyed shall be replaced within 15 days of the removal or destruction. All markers shall be repainted as necessary to retain visibility.

**§330.123. Materials Along the Route to the Site.**

The site owner or operator shall take steps to ensure that vehicles hauling waste to his site are enclosed or provided with a tarpaulin, net, or other means to properly secure the load in order to prevent the escape of any part of the load by blowing or spilling. The owner or operator shall take actions such as posting signs, reporting offenders to proper law enforcement officers, adding surcharges, or similar measures. The owner or operator shall be responsible for the cleanup of waste materials spilled along and within the right-of-way of public access roads serving the site for a distance of two miles in either direction from any entrances used for the delivery of waste to the site. The site operator shall consult with officials of the Texas Department of Transportation concerning cleanup of State highways and right-of-ways.

**§330.124. Disposal of Large Items.**

(a) Large, heavy, or bulky items, which cannot be incorporated in the regular spreading, compaction, and covering operations, should be recycled. A special area should be established to collect these items. This special collection area shall be designated as a large-item salvage area. The owner/operator shall remove the items from the site often enough to prevent these items from becoming a nuisance and to preclude the discharge of any pollutants from the area.

(b) Items that can be classified as large, heavy, or bulky can include, but are not limited to, white goods (household appliances), air conditioner units, metal tanks, large metal pieces, and automobiles.

**§330.125. Air Criteria.**

(a) The landfill is subject to Texas Air Control Board (TACB) jurisdiction concerning burning and air pollution control. The owner or operator shall ensure that any unit of the municipal solid waste facility does not violate any applicable requirement of the approved State Implementation Plan developed under the Clean Air Act, §110, as amended, and §330.5(d) of this title (relating to General Prohibitions) which prohibits the open burning of waste at any MSWLF unit.

(b) Any ponded water at the site shall be controlled to avoid its becoming a nuisance. In the event objectionable odors do occur, appropriate measures shall be taken to alleviate the condition.

**§330.126. Disease Vector Control.**

The site operator shall take the appropriate steps to prevent and control on-site populations of disease vectors using proper compaction and daily cover procedures, and the use of other approved methods when needed.

**§330.127. Site Access Roads.**

(a) All-weather roads shall be provided within the site to the unloading area(s) designated for wet-weather operation. The tracking of mud and trash onto public roadways from the site shall be minimized.

(b) Dust from on-site and other access roadways shall not become a nuisance to surrounding areas. A water source and necessary equipment or other means of dust control approved by the executive director shall be provided.

(c) All on-site and other access roadways shall be maintained on a regular basis. Litter and any other debris shall be frequently picked up and taken to the active disposal area or working face. Access roadways shall be regraded as necessary to minimize depressions, ruts, and potholes.

**§330.128. Salvaging and Scavenging.**

Salvaging shall not be allowed to interfere with prompt sanitary disposal of solid waste or to create public health nuisances. Salvaged materials may be considered as potential recycled materials. The owner/operator shall remove the salvaged items from the site often enough to prevent the items from becoming a nuisance, to preclude the discharge of any pollutants from the area, and to prevent an excessive accumulation of the material at the site. Class I industrial and special wastes received at the disposal site shall not be salvaged. Pesticide, fungicide, rodenticide, and herbicide containers shall not be salvaged unless being salvaged through a State supported recycling program. Scavenging shall not be allowed.

**§330.129. Endangered Species Protection.**

The facility and the operation of the facility shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species, or cause or contribute to the taking of any endangered or threatened species.

**§330.130. Landfill Gas Control.**

All landfill gases shall be monitored in accordance with a Landfill Gas Management Plan in accordance with §330.56(n) of this title (relating to Attachments to the Site Development Plan). The required reports and other submittals shall be included in the operating record of the facility and submitted to the executive director.

**§330.131. Abandoned Oil and Water Wells.**

(a) The site operator shall immediately provide written notification to the executive director of the location of any and all existing or abandoned water wells situated within the site upon such discovery during the course of site development and facility operation. The site operator shall, within 30 days of such a discovery, provide the executive director with written certification that all such wells have been capped, plugged, and closed in accordance with all applicable rules and regulations of the commission or other state agency.

(b) The site operator shall immediately provide written notification to the executive director of the location of any and all existing or abandoned on-site crude oil or natural gas wells, or other wells associated with mineral recovery. The site owner or operator shall provide the executive director with written certification that all such wells have been properly capped, plugged, and closed in accordance with all applicable rules and regulations of the Railroad Commission of Texas.

(c) Any water or other type of wells under the jurisdiction of the commission shall be plugged in accordance with all applicable commission requirements and additional requirements imposed by the executive director. A copy of the well plugging report required to be submitted to the appropriate state agency shall also be submitted to the executive director within 30 days after the well has been plugged.

**§330.132. Compaction.**

Solid waste shall be spread and compacted by repeated passages of suitable compaction equipment such that each layer of solid waste is thoroughly compacted.

**§330.133. Landfill Cover.**

(a) Daily Cover. All landfills, with the exception of Type IV landfills, shall provide six-inches of well-compacted earthen material not previously mixed with garbage, rubbish, or other solid waste at the end of each operating day to control disease vectors, fires, odors, windblown litter or waste and scavenging, unless the executive director requires a more frequent interval to control disease vectors, fires, odors, windblown litter or waste and scavenging. Landfills that operate on a 24-hour basis shall



cover the working face or active disposal area at least once every 24 hours. All Type IV facilities shall follow the requirements of this subsection except the rate of cover shall be no less than weekly, unless the commission approves another schedule.

(b) Intermediate Cover. All areas that have received waste but will be inactive for longer than 180 days shall provide intermediate cover. This intermediate cover shall be an additional six inches of well-compacted earthen material not previously mixed with garbage, rubbish, or other solid waste for a total of not less than 12 inches of cover. The intermediate cover shall be graded to prevent ponding of water. Run-off from areas which have received intermediate cover shall not be considered as having come into contact with the working face or leachate for the purpose of §330.55(b)(6) of this title (relating to Contaminated Water Treatment).

(c) Alternative Material Daily Cover. Alternative material daily cover (ADC) may be allowed by permit provision or by modification in accordance with §305.70 of this title (relating to Municipal Solid Waste Class I Modifications).

(1) An ADC operating plan shall be included in the Site Development Plan that includes the following:

- (A) a description and thickness of the alternative material to be used;
- (B) its effect on vectors, fires, odors, and windblown litter and waste;
- (C) the operational methods to be utilized at the site when using this alternative material;
- (D) chemical composition of the material and the Material Safety Data Sheet(s) for the alternative material; and
- (E) any other pertinent characteristic, feature, or other factors related to the use of this alternative material.

(2) A status report on the ADC shall be submitted on a quarterly basis to the executive director describing the effectiveness of the alternative material, any problems that may have occurred, and corrective actions required as a result of such problems. If no problems occur within four consecutive quarters of use, status reports will no longer be required.

(3) ADC shall not be allowed when the landfill is closed for a period greater than 24 hours, unless the executive director approves an alternative length of time.

(d) Temporary waiver. The executive director may grant a temporary waiver from the requirements of subsections (a)-(c) of this section if the owner/ operator demonstrates that there are extreme seasonal climatic conditions that make meeting such requirements impractical.

(e) Final Cover. Final cover for the landfill shall be in accordance with the Site Closure Plan.

(f) Erosion of Cover. Erosion of final or intermediate cover shall be repaired promptly by restoring the cover material, grading, compacting, and seeding it as necessary. Such periodic inspections and restorations are required during the entire operational life and for the post-closure maintenance period.

(g) Cover Log. Each landfill shall keep a cover application log on site readily available for inspection by commission representatives and authorized agents or employees of local governments having jurisdiction. This log shall specify the date cover (no exposed waste) was accomplished, how it was accomplished, and the last area covered. This applies to daily, intermediate, and alternate daily cover. For final cover, this log shall specify the area covered, the date cover was applied, and the thickness applied that date. Each entry shall be certified by the signature of the on-site supervisor that the work was accomplished as so stated in the log.

**§330.134. Ponded Water.**

The ponding of water over waste on the MSWLF unit, regardless of its origin, shall be prevented. Ponded water that occurs in the active portion of a MSWLF unit or on a closed MSWLF unit shall be eliminated as quickly as possible and the area in which the ponding occurred shall be filled in and regraded within seven days of the occurrence.

**§330.135. Waste in Enclosed Containers or Enclosed Vehicles Accepted at Type IV Landfills.**

Acceptance of waste in enclosed containers or enclosed vehicles at Type IV landfills shall be in accordance with the following requirements.

(1) Waste in enclosed containers or enclosed vehicles shall not be accepted at a Type IV landfill unless all of the following conditions have been met.

(A) The landfill to receive the waste shall be participating in the funding program to monitor these activities as detailed in paragraph (2) of this subsection.

(B) Each enclosed container or enclosed vehicle shall have all required approvals and/or permits from the executive director in accordance with §330.32 of this title (relating to Collection and Transportation Requirements).

(C) Enclosed containers or enclosed vehicles shall only be accepted at their designated time and on the specified day in accordance with these sections, commission permits, or other orders of the commission.

(D) A TWC inspector shall be on site and shall witness the unloading process to ensure that no putrescible waste or household waste is present. Any waste considered nonallowable by the TWC inspector shall be removed from the working face and subsequently from the site in accordance with §330.116 of this title (relating to Access Control).

(E) Each transporter delivering waste in enclosed containers or enclosed vehicles shall, prior to discharging the load, provide to the landfill operator a transporter trip ticket for the route he is delivering. Trip tickets shall be maintained as part of the operating record.

(F) The executive director may revoke a transporter's authorization to deliver waste to a Type IV MSW facility for failure to comply with this chapter.

(2) The executive director will determine the approximate annual costs of implementing and maintaining the surveillance and enforcement of all the activities associated with the acceptance of enclosed containers or enclosed vehicles at Type IV landfills.

(A) Notification of these costs will be provided to each affected holder of a Type IV landfill permit with notice of public hearing to apportion these costs.

(B) The public hearing will be held at a location to be determined by the commission with 20 days advance notice. Notice will be provided Type IV landfill operators by written notice in regular and certified mail.

(C) The public hearing shall be for the purpose of establishing the total compensation and expenditures required to administer this program and the apportionment of those costs to the Type IV landfill operators to be reimbursed to the commission.

(D) Unless other arrangements are made, the apportioned monthly payments will be due by the 10th day of each month.

(E) The apportioned costs to each Type IV landfill may be altered periodically to add or subtract landfills from the program. A 30-day notice will be provided to each participating Type IV landfill and/or proposed additional landfill and a hearing will be held upon request by one of the affected parties or on the commission's own motion.

(3) A Type IV landfill operator who is delinquent in making his monthly payment shall immediately halt acceptance of waste in enclosed containers or enclosed vehicles and may also be subject to other penalties in accordance with these sections or the Texas SWDA.

(4) Stationary compactors permitted in accordance with §330.25 of this title (relating to Requirements for Stationary Compactors) and municipal transporter routes permitted in accordance with §330.32 of this title (relating to Collection and Transportation Requirements) are exempt from the requirements of paragraphs (1)-(3) of this section. However, the landfill operator shall obtain from the transporter a hauler trip ticket for a municipal transporter route or a stationary compactors, as appropriate, prior to allowing discharge of the material at the landfill. These trip tickets shall be maintained as a part of the operating record.

**§330.136. Disposal of Special Wastes.**

(a) The acceptance and/or disposal of a special waste as defined in §330.2 of this title (relating to Definitions) which is not specifically identified in subsections (b) or (c) of this section, or in §330.137 of this title (relating to Disposal of Industrial Wastes), requires prior written approval from the executive director.

(1) Approvals will be waste-specific and/or site-specific and will be granted only to appropriate sites operating in compliance with this chapter.

(2) Requests for approval to accept special wastes shall be submitted to the executive director and shall include, but are not limited to, the following:

(A) a complete description of the chemical and physical characteristics of each waste, a statement as to whether or not each waste is a Class 1 industrial waste as defined in §330.2 of this title (relating to Definitions), and the quantity and rate at which each waste is produced and/or the expected frequency of disposal;

(B) an operational plan containing the proposed procedures for handling each waste and listing required protective equipment for operating personnel and on-site emergency equipment; and

(C) a contingency plan outlining responsibility for containment and cleanup of any accidental spills occurring during the delivery and/or disposal operation.

(3) Vacuum truck, as used in this section, refers to any vehicle which transports liquid waste to a solid waste disposal or processing site. A vacuum truck shall transport liquid waste to a landfill site that has a sludge stabilization and solidification process or to a Type V processing site for sludges, grease trap, or grit trap waste. The owner or operator shall submit written notification to the executive director of the liquids-processing activity as required in §330.8 of this title (relating to Notification Requirements).

(4) The executive director may issue an approval to receive special waste without a written request from the owner or operator; however, in such cases the site operator is not required to accept the waste.

(5) The executive director may revoke an authorization to accept special waste if the owner or operator does not maintain compliance with these rules or conditions imposed in the authorization to accept special waste.

(b) Receipt of the following special wastes does not specifically require written authorization for acceptance provided the waste is handled in accordance with the noted provisions for each waste.

(1) Special wastes from health care related facilities which have not been treated in accordance with the procedures specified in §§330.1001330.1009 this title (relating to Medical Waste Management) shall not be accepted at a Municipal Solid Waste Landfill (MSWLF) facility unless authorized in writing by the executive director. The executive director may provide this authorization

when a situation exists which requires disposal of untreated wastes in order to protect the human health and the environment from the effects of a natural or man-made disaster.

(2) Dead animals and/or slaughterhouse waste may be accepted at any MSWLF facility without further approval from the executive director provided the carcasses and/or slaughterhouse waste are covered by three feet of other solid waste or at least two feet of soil immediately upon receipt.

(3) Regulated asbestos-containing material (RACM) as defined in 40 Code of Federal Regulations §61 may be accepted at a Type I or Type I-AE MSWLF facility in accordance with subparagraphs (A)-(I) of this paragraph provided the MSWLF facility has been authorized to accept RACM. The site operator contemplating acceptance of RACM shall provide written notification to the executive director of the intent to accept RACM.

(A) To receive authorization to accept RACM, the owner or operator shall dedicate a specific area or areas of the site to receive RACM and shall provide written notification to the executive director of the area or areas to be designated for receipt of RACM. After initial authorization to receive RACM is issued, additional areas may be designated by providing written notice to the executive director.

(B) The location of the area designated to receive the RACM shall be surveyed and marked by a Registered Professional Land Surveyor and identified on a current site diagram which is maintained at the landfill. A copy of the current site diagram identifying the RACM area shall be submitted to the executive director immediately upon completion of the diagram. The site shall maintain a record of each load of RACM accepted as to its location, depth, and volume of material.

(C) Upon closure of the MSWLF unit which accepted RACM, a specific notation that the site accepted RACM shall be placed in the deed records for the site with a site diagram identifying the RACM disposal areas. Concurrently, a notice of the deed recordation and a copy of the site diagram identifying the asbestos disposal areas shall be submitted to the executive director.

(D) Delivery of the RACM to the site shall be coordinated with the on-site supervisor so the waste will arrive at a time it can be properly handled and covered.

(E) RACM shall be accepted at the site only in tightly closed and unruptured containers or bags or shall be wrapped as necessary with six-mil polyethylene.

(F) The bags or containers holding the RACM shall be placed below natural grade level. Where this is not possible or practical, provisions shall be made to ensure that the waste will not be subject to future exposure through erosion or weathering of the intermediate and/or final cover. RACM which is placed above natural grade shall be located in the MSWLF unit such that it is, at closure of the MSWLF unit, not less than 20 feet from any final slide slope of the unit and shall be at least 10 feet below the final surface of the unit.

(G) The bags or containers holding the RACM shall be carefully unloaded and placed in the final disposal location. They shall be covered promptly with 12 inches of clean earthen material or three feet of solid waste containing no asbestos. Care shall be exercised in the application of the cover so that the bags or containers are not ruptured.

(H) A contingency plan in the event of accidental spills (e.g., ruptured bags or containers) shall be prepared by the owner or operator prior to accepting RACM. The plan shall specify the responsible person(s) and the procedure for the collection and disposal of the spilled material.

(I) RACM which has been designated as a Class 1 industrial waste may be accepted by a Type I municipal solid waste landfill authorized to accept RACM provided the RACM waste is handled in accordance with the provisions of this paragraph and the landfill operator complies with the provisions of §330.137(g)-(i) of this title (relating to Disposal of Industrial Wastes).

(4) Non-regulated asbestos-containing materials (non-RACM) may be accepted for disposal at any municipal solid waste landfill provided the wastes are placed on the active working face and covered in accordance with this chapter. Under no circumstances shall any material containing non-RACM be placed on any surface or roadway which is subject to vehicular traffic or disposed of by any other means by which the material could be crumbled into a friable state.

(5) Empty containers which have been used for pesticides, herbicides, fungicides, or rodenticides shall be disposed of in accordance with subparagraphs (A) and (B) of this paragraph.

(A) These containers may be disposed of at any landfill site provided that:

- (i) the containers are triple-rinsed prior to receipt at the site;
- (ii) the containers are rendered unusable prior to or upon receipt at the site; and
- (iii) the containers are covered by the end of the same working day they are received.

(B) Those containers for which triple-rinsing is not feasible or practical (e.g., paper bags, cardboard containers) may be disposed of under the provisions of paragraph (6) of this subsection or in accordance with §330.137 of this title (relating to Disposal of Industrial Wastes), as applicable.

(6) Municipal hazardous waste from a conditionally exempt small quantity generator (CESQG) may be accepted at a Type I municipal solid waste site without further approval from the executive director provided the amount of waste does not exceed 220 pounds (100 kilograms) per month per generator, and provided the landfill owner/operator is willing to accept the waste.

(7) Sludges, grease trap waste, grit trap waste, or liquid wastes from municipal sources can be accepted at a Type I municipal solid waste landfill for disposal only if the material has been, or is to be, treated or processed and the treated/ processed material has been tested, in accordance with the

Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Publication Number SW-846), as amended, and is certified to contain no free liquids. Prior to treatment or process of this waste at the landfill, the owner or operator shall submit written notification to the executive director of the liquids processing activity as required in §330.8 of this title (relating to Notification Requirements).

(c) Used-oil filters from internal combustion engines shall not be intentionally and knowingly accepted for disposal at landfills permitted under this chapter except as provided in paragraphs (1)-(4) of this subsection.

(1) Used-oil filters shall not be offered for disposal by a generator and/or be intentionally and knowingly accepted for landfill disposal on or after June 1, 1992, unless the filter has been:

(A) crushed to less than 20% of its original volume to remove all free flowing used-oil; or

(B) processed by a method other than crushing to remove all free flowing used-oil. A filter is considered to have been processed if:

(i) the filter has been separated into component parts and the free-flowing used-oil has been removed from the filter element by some means of compression in order to remove free-flowing used-oil;

(ii) the used filter element of a filter consisting of a replaceable filtration element in a reusable or permanent housing has been removed from the housing and pressed to remove free-flowing used-oil; or

(iii) the housing is punctured and the filter is drained for at least 24 hours.

(2) Used-oil filters (to include filters which have been crushed and/or processed to remove free-flowing used-oil) shall not be offered for landfill disposal by any non-household generator specified as follows and shall not be intentionally or knowingly accepted by any landfill permitted and regulated under this chapter as follows:

(A) on or after August 1, 1992, by any non-household generator located in a county with a population greater than 1 million;

(B) on or after October 1, 1992, by any non-household generator located in a county with a population greater than 200,000 which is located on or east of a line defined by Interstate Highways 37, 35, and 35W;

(C) on or after December 1, 1992, by any non-household generator located in a county with a population greater than 200, 000;

(D) on or after February 1, 1993, by any non-household generator located in a county with a population greater than 100,000 which is located on or east of a line defined by Interstate Highways 37, 35, and 35W;

(E) on or after April 1, 1993, by any non-household generator located in a county with a population greater than 50,000 which is located on or east of a line defined by Interstate Highways 37, 35, and 35W;

(F) on or after June 1, 1993, by any non-household generator located in a county with a population greater than 100,000;

(G) on or after August 1, 1993, by any non-household generator located in a county with a population greater than 50,000;

(H) on or after October 1, 1993, by any non-household generator located in a county located on or east of a line defined by Interstate Highways 37, 35, and 35W; and

(I) on or after December 1, 1993, by any non-household generator located in any county of the state.

(3) On or after April 1, 1994, used-oil filters shall not be offered for landfill disposal by any generator, and/or shall not be intentionally or knowingly accepted for landfill disposal by a landfill permitted under this chapter.

(4) The executive director may extend, in 60-day increments, the time periods specified in paragraphs (2)(A)-(I) or (3) of this subsection if the executive director finds that commercial waste services for collection and recycling of used-oil filters are not available. The extension may be limited to any county or group of counties as the executive director deems necessary.

Adopted January 18, 1995

Effective February 9, 1995

### **§330.137. Disposal of Industrial Wastes.**

(a) All Class 1 industrial solid waste is required to be manifested. Owners or operators of MSWLF facilities shall not accept such wastes without prior written approval from the executive director or specific authorization in the permit.

(b) Wastes which are Class 1 only because of asbestos content may be accepted at any Type I or Type I-AE MSWLF facility which is authorized to accept regulated asbestos-containing material (RACM) as stated in §330.136(b)(3)(I) of this title (relating to Disposal of Special Wastes). Authorization to accept such wastes is implied in the authorization to accept RACM unless the acceptance of industrial wastes is prohibited by the permit. All Class 1 industrial asbestos wastes shall be manifested and owner or operator of the MSWLF facility shall comply with the requirements of subsections (g)-(i) of this section.



(c) Unless the facility permit authorizes the acceptance of Class 1 industrial waste, an authorization to accept Class 1 wastes will be waste-specific and/or site-specific and will be granted only to appropriate sites that are operating in compliance with this chapter. Requests for authorization to accept Class 1 solid wastes shall be submitted in writing to the executive director and shall include, but are not limited to, the following:

(1) a complete description of the chemical and physical characteristics of the waste, a statement as to whether or not the waste is a hazardous waste as defined in §330.2 of this title (relating to Definitions), and the quantity and rate at which the waste is produced and/or the expected frequency of disposal;

(2) an operational plan containing the proposed procedures for handling the waste and a listing of required protective equipment for operating personnel and on-site emergency equipment. This plan shall become a part of the site operating plan; and

(3) a contingency plan outlining responsibility for containment and cleanup of any accidental spills occurring during the delivery and/or disposal operation. This plan shall become a part of the site operating plan.

(d) Facilities which accept Class 1 wastes, other than asbestos-containing material, shall have dedicated trenches which meet the following requirements.

(1) The trenches designated for Class 1 wastes shall have a composite liner system consisting of two components. The upper component shall consist of a minimum of a 30-mil flexible membrane liner (FML) and the lower component shall consist of at least a three-foot layer of compacted soil with a hydraulic conductivity of no more than  $1 \times 10^{-7}$  cm/sec. FML components consisting of high density polyethylene (HDPE) shall be at least 60-mil thick. The FML component shall be installed in direct and uniform contact with the compacted soil component. The liner system installed for Class 1 trenches is subject to the requirements of §330.205 of this title (relating to Soils and Liner Quality Control Plan). These trenches shall be designated on the Site Development Plan.

(2) The trenches designated for Class 1 wastes shall have a leachate-collection system designed and constructed to maintain less than a 30-cm depth of leachate over the liner. The leachate-collection and leachate-removal system shall be:

(A) constructed of materials that are chemically resistant to the leachate expected to be generated;

(B) of sufficient strength and thickness to prevent collapse under the pressures exerted by overlying wastes, waste cover materials, and by any equipment used at the landfill; and

(C) designed and operated to function through the scheduled closure and post-closure period of the landfill. The leachate-collection system design criteria and performance standards shall be, at a minimum, in accordance with the commission's most recent policy and guidelines on this subject.

(3) Stormwater run-on/run-off facilities such as berms and ditches placed to protect the dedicated trench(es) shall be provided in accordance with §330.54 of this title (relating to Technical Requirements of Part III of the Application).

(4) The site shall have a ground-water monitoring system installed which is capable of detecting the migration of pollutants from the landfill and is sampled semiannually for the parameters specified in §§330.230-330.242 of this title (relating to Ground-Water Monitoring and Corrective Action).

(5) The final cover placed over the dedicated Class 1 industrial waste trench shall consist of a minimum of 18 inches of uncontaminated topsoil overlying four feet of compacted clay-rich soil material meeting the requirements of §§330.250-330.256 of this title (relating to Closure and Post-Closure) unless waste is to be placed on top of the Class 1 wastes. If waste is to be placed above Class 1 wastes, the Class 1 waste shall first be covered with a four-foot layer of compacted clay-rich soil. The final cover over the aerial fill shall meet the requirements of §§330.250-330.256 of this title (relating to Closure and Post-Closure) and shall include a flexible membrane component.

(6) Class 1 industrial solid waste other than asbestos-containing waste shall not be placed above the surrounding natural ground surface elevation. Class 1 industrial solid waste which is Class 1 only because of asbestos content shall be managed in accordance with the provisions of §330.136(b)(3) of this title (relating to Disposal of Special Wastes).

(e) The executive director may issue an approval to receive Class I Industrial Solid Waste without a written request from the owner or operator; however, in such cases the site operator is not required to accept the waste.

(f) Unless specifically authorized by the facility permit, a Type I MSWLF facility permitted after October 9, 1993, may not accept Class 1 industrial nonhazardous wastes in excess of 20% of the total amount of waste (not including Class 1 wastes) accepted during the current or previous year. The amount of waste may be determined by volume or by weight, but the same unit of measure shall be used for each year, unless a variance is authorized by the executive director.

(g) Any authorization to accept a Class 1 waste is subject to the site operating in compliance with these rules and any specific conditions required under any letter(s) of authorization. Failure to operate the site in compliance with these rules or any special conditions imposed by the executive director shall be justifiable grounds for the executive director to revoke the authorization to accept a Class 1 waste.

(h) All shipments of a Class 1 waste shall be accompanied by a manifest (waste-shipping control ticket) as required by the commission. The facility operator or his designated representative shall sign the manifest for any authorized shipments of Class 1 waste. The facility operator shall not accept or sign for shipments of Class 1 waste for which the authorization to accept has not been granted by the executive director or has not been authorized by permit provisions. The site operator shall retain the disposal facility copy of the manifest for a period of three years. This time period is automatically extended if any enforcement action involving the owner, operator, or MSWLF facility is initiated or pending by the executive director.

(i) A facility which accepts any Class 1 waste shall submit to the executive director a written report of Class 1 waste received. This report shall be submitted no later than the 25th day of the month following the month in which the waste was received. Reports shall be submitted on forms provided by the commission and shall include all information required. Monthly reports shall be filed by facilities which have received Class 1 wastes including those months in which no Class 1 waste is received at the facility unless an exception is granted by the executive director. Failure to file such reports in a timely manner shall constitute a violation of these rules.

(j) Class 2 industrial solid waste, except special wastes as defined in §330.2 of this title (relating to Definitions), may be accepted at any Type I or Type I-AE municipal solid waste landfill provided the acceptance of such waste does not interfere with site operation.

(k) Class 3 industrial solid waste may be disposed of at any municipal solid waste landfill provided the acceptance of such waste does not interfere with site operation.

**§330.138. Screening of Deposited Waste.**

Screening of deposited waste materials at a MSW facility shall be provided by the owner or operator for the facility where the executive director determines a need for such screening is necessary or where permit or design requirements so dictate.

**§330.139. Contaminated Water Discharge.**

The owner or operator of a MSW facility shall not discharge contaminated water without specific written authorization.

Amendment to §330.136

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